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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 WENDEI L. P.,

7 Plaintiff,

8 v.

9 COMMISSIONER OF SOCIAL
10 SECURITY,

11 Defendant.

CASE NO. C18-5907 BHS

ORDER ADOPTING THE REPORT
AND RECOMMENDATION

12 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Michelle Peterson, United States Magistrate Judge, Dkt. 16, and Plaintiff’s objections to the R&R, Dkt. 17.

13 On May 24, 2019, Judge Peterson issued the R&R recommending that the Court affirm the Administrative Law Judge’s (“ALJ”) partial denial of Plaintiff’s request for benefits. Dkt. 16. On May 31, 2019, Plaintiff filed objections. Dkt. 17. On June 10, 2019, the Government objected. Dkt. 18.

14 The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Plaintiff objects to two conclusions in the R&R. First, Plaintiff argues
2 that the ALJ erred in discounting the medical opinions of Dr. Brown and Dr. Comrie.
3 Dkt. 17 at 2. The ALJ discounted these opinions because they were “not consistent with
4 the claimant’s improvement with medication and therapy.” Tr. 33. Plaintiff argues that
5 this reason is insufficient but fails to address the prior nine pages of the ALJ’s opinion in
6 which the ALJ thoroughly analyses the medical evidence. *See* Tr. 24–32. Based on that
7 discussion, the Court find Plaintiff’s argument without merit.

8 Second, Plaintiff objects to the R&R’s conclusion regarding the apparent conflict
9 between the vocational expert’s (“VE”) opinion and the Dictionary of Occupational
10 Titles (“DOT”). Dkt. 17 at 2–3. The Court has concluded that there is not conflict
11 because the document cited by Plaintiff is generated by a third party, SkillTran, and adds
12 limitations that do not appear in the DOT. *See* Dkt. 27.

13 Therefore, the Court having considered the R&R, Plaintiff’s objections, and the
14 remaining record, does hereby find and order as follows:

- 15 (1) The Court **ADOPTS** the R&R;
16 (2) The Commissioner’s final decision denying Plaintiff disability benefits is
17 **AFFIRMED**; and
18 (3) The Clerk shall enter judgment and close this case.

19 Dated this 6th day of February, 2020.

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22 BENJAMIN H. SETTLE
United States District Judge